

Message Text

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ACTION AF-10

INFO OCT-01 IO-14 ISO-00 MCT-01 CIAE-00 DODE-00 PM-05
H-02 INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01
SP-02 SS-15 USIA-15 DHA-02 /085 W
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R 050845Z AUG 77
FM AMCONSUL DURBAN
TO SECSTATE WASHDC 2638
INFO AMEMBASSY PRETORIA
AMCONSUL JOHANNESBURG
AMCONSUL CAPE TOWN
AMEMBASSY MBABANE
USMISSION GENEVA

UNCLAS DURBAN 0522

EO 11652: NA
TAGS: PINT, PINS, SHUM, SF
SUBJ: FOUR AFRICANS CONVICTED IN BRIEF TERRORISM TRIAL

1. IN THE SHORTEST TERRORISM ACT TRIAL IN SOUTH AFRICAN HISTORY (21 MINUTES) FOUR AFRICANS, ISAAC ZIMU (28), VELI MTHEMBU (22), THEMBA KHUMALO (18) AND WALTER MTSHALI (29) WERE CONVICTED IN PIETERMARITZBURG SUPREME COURT AUGUST 2 OF ATTEMPTING TO LEAVE SOUTH AFRICA TO UNDERGO TERRORIST TRAINING. ALL FOUR HAD PLEADED GUILTY TO THE CHARGE. ALL EXCEPT MTSHALI PLEADED GUILTY TO AND WERE CONVICTED OF A SEPARATE CHARGE OF INCITING OTHERS TO UNDERGO SIMILAR TRAINING. SENTENCING WAS POSTPONED TO A LATER DATE AFTER MTSHALI REQUESTED THAT HE BE PERMITTED TO RETAIN A NEW LAWYER.

2. ACCORDING TO PRESS REPORTS THE ACCUSED ADMITTED THAT BETWEEN JUNE 1 AND SEPTEMBER 23, 1976 THEY AND NINETEEN OTHERS MADE PLANS TO LEAVE SOUTH AFRICA FOR SWAZILAND WHERE THEY WOULD MAKE ARRANGEMENTS TO UNDERGO TERRORIST TRAINING. THREE OF THEM, ZIMU, MTHEMBU AND MTSHALI, WITH FOUR OTHERS, LEFT PIETERMARITZ-
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BURG SEPTEMBER 11 ON THEIR WAY TO DURBAN ON THE FIRST LEG OF THE TRIP, BUT WERE ARRESTED IN DURBAN SATION THE SAME DAY. A SECOND GROUP CONSISTING OF KHUMALO AND TWO OTHER LEFT PIETERMARITZBURG SEPTEMBER 4 AND APPARENTLY SUCCEEDED IN ENTERING SWAZILAND. KHUMALO REPORTEDLY WAS ARRESTED SEPTEMBER 23 IN PIETERMARITZBURG, POSSIBLY AFTER RETURNING FOR NEW RECRUITS.

3. THE SPEED OF THE TRIAL (15 MINUTES ONE DAY FOR THE READING OF THE CHARGES AND PLEAS, SIX ANOTHER DAY FOR THE JUDGE'S DECISION), WAS A RESULT OF PROVISIONS IN THE NEW CRIMINAL PROCEDURES ACT (WHICH CAME INTO EFFECT JULY 22) WHICH PERMIT THE WAIVING OF TESTIMONY IF THE STATE ACCEPTS THE DEFENDANTS' PLEAS. JUDGE KRIEK, IN DECIDING TO ALLOW MTSHALI TO RETAIN A NEW LAWYER, REFERRED TO THE EXTENSIVE PUBLICITY ABOUT THE TRIAL BEING THE SHORTEST IN SOUTH AFRICAN HISTORY. HE SAID HE DIDN'T WANT TO GIVE THE IMPRESSION THAT THE INTERESTS OF THE ACCUSED WERE PREJUDICED BY SPEED, AND POINTED OUT THAT THE COURT HAD THREE MONTHS TO COMPLETE THE CASE.FARBER

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